UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,960	11/13/2003	Bryan J. Gilbert	6270/131	9425

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EXAMINER
RAYMOND, EDWARD

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/712,960	GILBERT ET AL.
	Examiner	Art Unit	
	/Edward Raymond/	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 June 2007*.

2a) ☒ This action is **FINAL.**　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-59* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *56-59* is/are allowed.

6) ☒ Claim(s) *1-55* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 June 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-55** are rejected under 35 U.S.C. 102(b) as being anticipated by

Bearden et al. Bearden et al. teaches an electric power meter, comprising: means for

digitally sampling voltage and current (Claims 1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see

col. 5, lines 6-25); means for storing said digitally sampled voltage and current (Claims

1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 9, lines 21-27); means for performing

power calculations upon said digitally sampled voltage and current (Claims 1, 2, 6, 10,

11, 15, 19, 24, and 50-53: see col. 12, lines 38-40), and converting said calculations

and said digitally sampled voltage and current into at least one network protocol (Claims

1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 7, lines 60-64); and means for interfacing

with an external network (Claims 1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 7, line

60 through col. 8, line 8); wherein said network protocol is one of e-mail, File Transfer

Protocol (FTP), Hypertext Transfer Protocol (HTTP), Dynamic Host Configuration

Protocol (DHCP), Hypertext Markup Language (HTML), or Extensible Markup Language

(XML) (Claims 1, 2, 6, 10, 11, 15, 19, 20, 24, and 50-53: see col. 7, line 60 through col.

8, lines 8: The Examiner notes that computers on a LAN must communicate in one of

the many standard protocols, including e-mail, FTP, SOAP, Mime, HTTP, HTTPS,

DHCP, PPP, HTML, SMTP, and XML, which is inherently taught by the reference).

Bearden et al. teach an electric power meter further comprising: means for

connecting an external device to said electric power meter (Claims 3, 7, 12, 16, 21, and

25: see Figure 1A), wherein said external device transmits packet data to said electric

power meter to be processed by the processor and provided through said interfacing

means (Claims 3, 7, 12, 16, 21, and 25: Figure 1A).

Bearden et al. teach an electric power meter wherein said interfacing means

further comprises means for interfacing with multiple users simultaneously (Claims 4, 8,

13, 17, 22, 26, 54, and 55: see Figure 1B: The Examiner notes that the Secondary

Distribution allows for simultaneous use of the system).

Bearden et al. teach an electric power meter wherein said interfacing means

supports Ethernet communications (Claims 5, 9, 14, 18, 23, and 27: see col. 7, lines 60-

64: The Examiner notes that LAN communication supports Ethernet communications).

Bearden et al. teach an electric power meter wherein a web server provides data

to the network interface in Hypertext Markup Language (HTML) or Extensible Markup

Language (XML) format (Claim 20: see col. 8, lines 1-8).

Bearden et al. teach a system for modifying the functionality of the electric power

meter previously installed in the field and operating, the system comprising: a server

computer (Claim 28: see col. 7, lines 4-9), the electric power meter in communication

with the server computer over a network (Claim 28: see col. 7, lines 60-64), the electric

power meter operated with a software configuration stored therein (Claim 28: see Figure

3: Tools and C&I PC); and a storage device in communication with the server computer,

the storage device comprising a database (Claim 28: see col. 9, lines 21-27 and also

Figure 3: Tools), wherein a copy of the software configuration is stored in the database,

the server is operable to modify the operation of the electric power meter as a function

of modifications to the database (Claim 28: see Figure 8A: Adjust Feature 93).

Bearden et al. teach a system wherein the server computer comprises a network

server operatively communicating with a master server (Claim 29: see Figure 2A:

Central Station 61), the network server operable to generate display pages to create a

virtual meter site (Claim 29: see Figure 3: Remote Data Display 81 and 85) and the

master server operable to maintain the database (Claim 29: see Figure 2A: Central

Station).

Bearden et al. teach a system wherein the server computer comprises an

intelligent electronic device operatively communicating over the network (Claim 30: see

Figure 8A: Energy Management Controller 90).

Bearden et al. teach a system further comprising a browser coupled to the server

computer, the browser operable to access the database (Claim 31: see col.6, lines 54-

57: The Examiner notes that a browser is inherently used to communicate to the Central

Station).

Bearden et al. teach a system wherein the software configuration comprises

firmware and frameworks (Claim 32: see col. 9, lines 21-27 and also col. 8, lines 1-4:

The Examiner notes that the storage device is equivalent to firmware).

Bearden et al. teach a system wherein the server is operable to perform

modifications to the firmware and frameworks as a function of selections lists selectable

by a user (Claim 33: see Figure 8A: Adjust Feature 93: The notes that the device is

equipped to remotely adjust the device).

Bearden et al. teach a system wherein said electric power meter is operative to

contact a second server to authorize payment for said modifications (Claim 34: see col.

12, lines 38-41).

Bearden et al. teach a system wherein the network comprises an Intranet (Claim

35: see col. 7, lines 60-64).

Bearden et al. teach a system wherein the network comprises an Internet

Protocol based network (Claim 36: see col. 7, lines 49-64: The Examiner notes that a

LAN is configured to communicate within an Intranet and the Internet).

Bearden et al. teach a system wherein the electric power meter comprises a

watt-hour meter (Claim 37: see col. 13, lines 2-19).

Bearden et al. teach a system wherein the software configuration is stored in said

memory and said memory comprises volatile memory and nonvolatile memory (Claim

19, 24, 38, 52 and 53: see col. 9, lines 21-27), wherein a first portion of the software

configuration is stored in the non-volatile memory and a second portion of the software

configuration is stored in the volatile memory (Claim 38: see col. 8, lines 2-19).

Bearden et al. teach a system wherein the second portion of the software

configuration is transferable over the network from the database to the electric power

meter as a function of instructions within the first portion of the software configuration (Claim 39: see col. 9, lines 21-34).

Bearden et al. teach a system wherein the server is operable to modify the operation of the electric power meter with an update transferable over the network to the electric power meter (Claim 40: see Figure 8A: Adjust Feature 93: The Examiner notes that the capacity to communicate and store information on the remote device inherently teaches the ability to update information via the network).

Bearden et al. teach a system wherein the update comprises a modified software configuration (Claim 41: see col. 12, lines 18-27).

Bearden et al. teach a system wherein the update comprises a modification to the software configuration (Claim 42: see col. 12, lines 18-27).

Bearden et al. teach a system wherein the update comprises an enabling mechanism (Claim 43: see col. 12, lines 38-41).

Bearden et al. teach a system wherein the update comprises an email message (Claim 44: see Figure 2A: Online Data 63).

Bearden et al. teach a system wherein the update comprises a datafile (Claim 45: see Figure 2A: On-Line Data 63).

Bearden et al. teach an IED comprising: an analog to digital converter operative to sense analog signals indicative of voltage and current in at least one conductor of a power system and produce digital signals indicative of said analog signals (Claims 46 and 48: see Figure 5A: Sample and Digitize Units 101 and 111); a CPU coupled with said analog to digital converter and operative to process said digital signals to produce

electrical parameters (Claims 46 and 48: see col. 8, lines 1-8); a memory coupled to

said CPU and operative to store said electrical parameters (Claims 46 and 48: see col.

9, lines 21-27); a communications circuit coupled to said CPU and coupleable to a

network (Claims 46 and 48: see col. 7, lines 49-60); wherein said CPU is operative to

transfer said electrical parameters through said communications circuit to said network

using at least one of Hypertext Markup Language (HTMQ and Extensible Markup

Language (XML) format and/or FTP, SOAP, Mime, HTTP, HTTPS, PPP, or SMTP

protocols (Claims 46 and 48: see col. 7, lines 60-64).

Bearden et al. teach an IED wherein said IED comprises an electronic power

meter (Claims 47: see col. 5, lines 53-57).

Bearden et al. teach an IED wherein said IED comprises an electronic power

meter (Claim 49: see col. 5, lines 53-57).

Allowable Subject Matter

3.   **Claims 56-59** are allowed.

4.   The following is a statement of reasons for the indication of allowable subject

matter: Bearden et al. does not teach a processor for performing power calculations on

the digitally sampled voltage and current, and converting the calculations and the

digitally sampled voltage and current into at least one network protocol, the at least one

processor being configured to simultaneously execute a plurality of different tasks

related to the stored voltage and current in response to a plurality of concurrent

requests related to results of the different tasks and submitted by multiple users.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to /Edward Raymond/ whose telephone number is 571-

272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Raymond/
Primary Examiner
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er

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